

**ORDINANCE NO. 3  
SERIES 2016**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON TO AMEND SECTION 2, ZONING DISTRICTS; SECTION 4, GENERAL DEVELOPMENT STANDARDS; SECTION 9, DEVELOPMENT STANDARD WAIVERS; AND, SECTION 12, SUBDIVISION STANDARDS WITHIN THE CITY OF GUNNISON LAND DEVELOPMENT CODE.**

**WHEREAS**, the Community Development Director of the City of Gunnison has filed an application with the City of Gunnison, Colorado, seeking approval of a text amendment to the *Land Development Code*; and

**WHEREAS**, the Text Amendment proposes amendments or additions to Table 2-4 (Residential Dimensional Standards); Table 4-11 (Minimum Tree and Shrub Plantings); Section 4.6.F.2 and 3. (Buffering and Screening); adding Figure 15A (Minimum Tree and Shrub Planting and Buffer Requirements); Table 4-7 (Off-Street Parking Requirements); Section 4.4.F. (Off-Street Parking with Eight or More Stalls); Section 9.1.C.2 (Planning and Zoning Commission Waivers); Table 9-1 (Decision Making for Waivers); and, Section 12.1 (Subdivision Standards Purpose); and

**WHEREAS**, the Planning and Zoning Commission of the City of Gunnison, Colorado, held a public hearing on said application pursuant to notice published in accordance with the *Land Development Code* of the City of Gunnison, Colorado, on March 9, 2016; and

**WHEREAS**, Section 10.5 of the *City of Gunnison Land Development Code* states that approval of a text amendment to the *Land Development Code* may only occur if the application meets all the Review Standards for a Text Amendment; and

**WHEREAS**, on March 9, 2016 the Planning and Zoning Commission of the City of Gunnison recommended approval of the Text Amendment application to the City Council based on findings of fact established through the proceedings of record; and

**WHEREAS**, the City Council of the City of Gunnison, Colorado, held a public hearing on the Text Amendment application to the *Land Development Code* on April 12, 2016;

**WHEREAS**, based upon the application seeking a Text Amendment to the *Land Development Code*, hereinafter described, the evidence presented to the City Council during the public hearing on the application seeking a Text Amendment, and further, based on the recommendation of the Planning and Zoning Commission of the City of Gunnison, Colorado, the City Council hereby finds as follows:

- A. That this Text Amendment application complies with the review standards for Text Amendments (*LDC*, Section 10.5).
- B. That the Text Amendment includes modifications or additions to the following sections of the *LDC*: Table 2-4 (Residential Dimensional Standards); Table 4-11 (Minimum Tree and Shrub Plantings); Section 4.6.F.2 and 3. (Buffering and Screening); adding Figure 15A (Minimum Tree and Shrub Planting and Buffer Requirements); Table 4-7 (Off-Street Parking Requirements); Section 4.4.F. (Off-Street Parking with Eight or More Stalls); Section 9.1.C.2 (Planning and Zoning Commission Waivers); Table 9-1 (Decision Making for Waivers); and, Section 12.1 (Subdivision Standards Purpose).
- C. That the amendments provide consistency and flexibility within the *LDC*.
- D. That the amendments clarify staff direction or correct errors within the *LDC*.

- E. That the Text Amendment complies with the review standards for Text Amendments (*LDC*, Section 10.5).
- F. That based on the findings above, the Text Amendment protects the community’s health, safety and welfare.

**WHEREAS**, that based on the foregoing findings of the City Council of the City of Gunnison, Colorado, the City Council hereby determines that the Text Amendment to the *Land Development Code*, herein described is in the best interests of the City of Gunnison, Colorado, and its citizens.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:**

Sections of the *City of Gunnison Land Development Code* are hereby amended to read as follows:

| TABLE 2-4 RESIDENTIAL DIMENSIONAL STANDARDS   |       |       |       |                  |                  |
|---|-------|-------|-------|------------------|------------------|
| Dimensional Standard  | R-1   | R-1M  | R-2   | RMU              | R-3              |
| Maximum density (units/acre) <sup>1</sup>   | 3.5   | 6     | 14    | 16               | 30               |
| Lot Size Single-Family (sq. ft.) <sup>1</sup>   | 8,000 | 6,250 | 6,250 | 6,250            | 6,250            |
| Lot Size Duplex (per unit) (sq. ft.) <sup>1</sup>   |       |       | 3,125 | 3,125            | 3,125            |
| Lot Size Townhouse (per unit) (sq. ft.)   |       |       |       | 2,250            | 2,250            |
| Lot Size Multi-Family (per unit) (sq. ft.) <sup>1</sup><br>Single Story<br>Two Story<br>Three Story   |       |       |       |                  |                  |
|   |       |       |       | 3,000            | 3,000            |
|   |       |       |       | 2,500            | 2,500            |
|   |       |       |       | 2,000            | 2,000            |
| Maximum lot coverage structures   | 40%   | 40%   | 40%   | 45%              | 45%              |
| Maximum lot coverage parking/access   | 10%   | 10%   | 15%   | 20%              | 40%              |
| Minimum lot coverage landscape area   | 50%   | 50%   | 45%   | 35%              | 15%              |
| Minimum lot frontage <sup>1</sup><br>Single-Family<br>Duplex (per unit)<br>Townhouse (per unit)<br>Multi-Family<br>Zero-Lot Line  |       |       |       |                  |                  |
|   | 50'   | 50'   | 50'   | 50'              | 50'              |
|   |       |       | 25'   | 25'              | 25'              |
|   |       |       |       | 20'              | 20'              |
|   |       |       |       | 100'             | 100'             |
|   | 50'   | 50'   | 50'   | 50'              | 50'              |
| Minimum setback front <sup>2</sup>  | 15'   | 15'   | 15'   | 15'              | 15'              |
| Minimum setback side<br>Provided that one additional foot of setback shall be required for each two and one-half feet (a 1:2.5 ratio) of building height over 22.5 feet   | 10'   | 5'    | 5'    | 5'               | 5'               |
| Minimum setback rear lot line: principal building<br>Provided that one additional foot of setback shall be required for each two and one-half feet (a 1:2.5 ratio) of building height over 22.5 feet  | 10'   | 5'    | 5'    | 5'               | 5'               |
| Minimum setback rear lot line: accessory building   | 10'   | 5'    | 5'    | 5'               | 5'               |
| Maximum building height   | 35'   | 35'   | 35'   | 35'              | 35'              |
| Maximum building height for detached accessory structure  | 30'   | 30'   | 30'   | 30'              | 30'              |
| Minimum building width  | 24'   | 24'   | 20'   | 20'              | 20'              |
| Minimum floor area Principal Dwelling (sq. ft.)   | 480   | 480   | 480   | 300 efficiency   | 300 efficiency   |
|   |       |       |       | 480 multi-family | 480 multi-family |
| Floor Area Thresholds Accessory Dwelling (sq.ft.)   |       |       | 720   |                  |                  |
| Minimum storage area (sq.ft.)   |       |       | 32    | 32               | 32               |
| Snow storage (% of parking and access coverage)   | 15%   | 15%   | 15%   | 15%              | 15%              |
| <sup>1</sup> Density calculations for residential development may be subject to Slope Protection Standards (§5.2) and Section 13.<br><sup>2</sup> Covered porches and the landings and steps of a covered porch may encroach into the front yard pursuant to §1.7.L.3.d |       |       |       |                  |                  |

| TABLE 4-11 MINIMUM TREE AND SHRUB PLANTINGS |  |
|---|--|
| Zone District                               | Number of Trees and Shrubs per Required Landscape Area |
| Central Business District (CBD)             | N/A  |
| Commercial (C)                              | 1 tree and 2 shrubs per 400 sq. ft.                    |
| Business Professional (B-1)                 | 1 tree and 2 shrubs per 1500 sq. ft.                   |
| Industrial (I)                              | N/A  |
| Single-Family Residential (R-1)             | 1 tree and 2 shrubs per 2000 sq. ft.                   |
| Single-Family Residential Modified (R-1M)   | 1 tree and 2 shrubs per 2000 sq. ft.                   |
| Duplex Residential (R-2)                    | 1 tree and 2 shrubs per 1500 sq. ft.                   |

|  |                                      |
|--|--------------------------------------|
| Residential Mixed Use (RMU)  | 1 tree and 2 shrubs per 1200 sq. ft. |
| Multi-Family Residential (R-3)   | 1 tree and 2 shrubs per 500 sq. ft.  |
| Note: The above required trees may be counted toward buffer requirements of §4.6.F.4. See Figure 15A |                                      |

**Section 4.6 F. Buffering and Screening**

**2. Waivers.** A waiver from these buffer and screening standards may be granted by the Commission (Section 9.4 G). A waiver application shall include a site plan showing the building footprint, driveways, parking, landscaping and utility lines. The waiver application will be considered at a public hearing and shall require public notice as specified in Section 6.7. Waivers shall only be granted if the applicant demonstrates that there are not adequate rights-of-way from the curb edge to the building front. The Commission may consider other site-specific circumstances not contemplated herein, and are not the result of previous development constraints initiated by the applicant.

**3. Zone District Boundaries**

- a. A landscaped buffer shall be planted on the boundary between the zoning districts set forth below, unless the abutting property is determined by staff to be unbuildable or visually separated by topographic features. Zone district buffers shall not be required for areas where street frontage buffer requirements are met.
- b. The buffer shall be 20 feet wide and planted directly adjacent to the zone district boundary.
- c. A minimum buffer consisting of four evergreen trees and five shrubs per one hundred linear feet of zone district boundary shall be installed between the following zoning districts:
  - i. an Industrial zone district and any other zoning district;
  - ii. a Commercial zone district and any Residential zone district; or
  - iii. all Multi-family Residential zone districts (RMU/R-3) and any other Residential zone district.

**FIGURE 15A MINIMUM TREE AND SHRUB PLANTING AND BUFFER REQUIREMENTS**



| TABLE 4-7 OFF-STREET PARKING REQUIREMENTS |  |                      |   |
|---|--|----------------------|---|
| USE CLASSIFICATION                        | SPECIFIC USE   |                      | MINIMUM NUMBER OF SPACES REQUIRED                 |
| Residential Use Categories (§3.2)         |  |                      |   |
| Household Living                          | Single-Family Dwellings, Townhouses, Two-family Dwellings, Manufactured Home and Mobile Home |                      | 2.0 per dwelling unit                             |
|   | Multi-Family Dwellings   | 1 <sup>st</sup> Unit | 2.0 per dwelling unit                             |
|   |  | Each additional unit | 1.75 per dwelling unit                            |
|   | Accessory Dwelling Unit, and Upper Floor Residential   |                      | 1.0 per dwelling unit                             |
| Congregate Living                         | Rooming and boarding houses, dormitories, fraternities or sororities                         |                      | 1.0 per bed                                       |
|   | Nursing Homes  |                      | 1.0 per employee, plus 1 visitor space per 2 beds |
|   | Assisted Living  |                      | 1.0 per employee, plus 1 visitor space per 4 beds |

|                |                    |   |
|----------------|--------------------|---|
| Accommodations | Hotels and Motels  | 1.0 per guest room<br>+1 space per 3 employees and<br>75% of parking required for other<br>associated or accessory uses (restaurants,<br>offices, meeting spaces) |
|                | Hostels            | 1.0 per 2 beds  |
|                | Bed and Breakfasts | 1.0 space per guest room, plus 2 spaces for<br>the owner/manager's unit   |

Section 4.4 Off-Street Parking and Loading

F. **Off-Street Parking.** Off-street parking areas are subject to these driveway access standards; such parking facilities shall not be designed to back onto any street or alley right-of-way.

Section 9. Development Standard Waivers, 9.1 C.

2. **Planning and Zoning Commission Waivers.** Waivers that are determined administratively by staff are related to Site Development Applications. Waivers determined by the Commission and/or recommended to City Council by the Commission are acted upon as a public hearing agenda item at a scheduled meeting. The administrative review by staff follows all of the procedures set forth in Section 9.3 with the exception of item D, Public Notice. Waivers may be approved in conjunction with processing site development applications, land use development applications, including subdivision applications, as defined in §6.2.A of this LDC. (Ordinance 3, 2015)

| TABLE 9-1 DECISION-MAKING FOR WAIVERS                   |                   |             |     |    |                  |
|---|-------------------|-------------|-----|----|------------------|
| CODE SECTION  | NO WAIVER ALLOWED | CD DIRECTOR | P&Z | CC | OTHER / COMMENTS |
| §4.6 E. Landscaping Requirements for all Zone Districts |                   |             |     |    | Variance         |
| §4.6 E.1. Minimum Tree and Shrub Plantings              |                   | √           |     |    |                  |
| §4.6 E.2 Living Plant Material requirement              |                   | √           |     |    |                  |
| §4.6 E.3 10% landscape area in Industrial zone district |                   | √           |     |    |                  |

Section 12. Subdivision Standards 12.1 Purpose

G. **Development Improvement Costs.** Provide provisions and documentation ensuring that defined improvement funding borne by the developer for public utilities and facilities are secure and protect the fiscal well-being of the City.

**INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED** this \_\_\_\_ day of April, 2016, on first reading, and introduced, read, and adopted on second and final reading this \_\_\_\_ day of \_\_\_\_\_, 2016.

(SEAL)

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk